

WELCOME TO THE ETHICS COMMISSION MEETING

Please sign in at the testimony table.

As a courtesy, please silence your cell phone.



Date: June 19, 2019
Time: 11:30 a.m.
Place: Kapālama Hale
925 Dillingham Boulevard
1st Floor Conference Room

ORDER OF BUSINESS

I. Call to Order, Public Notice, Quorum



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II. NEW BUSINESS

A. Chair's Report

1. Announcements, Introductions, Correspondence, and Additional Distribution
 - a. Resolution No. 19-057, Confirming Reappointment of Ms. Riki May Amano (adopted May 8, 2019)



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3

II.A. CHAIR'S REPORT (cont'd)

2. For Action: Approval of Open Session Minutes of April 17, 2019
3. For Action: Approval of Executive Session Minutes of April 17, 2019

[exec/session if needed, HRS §92-5(a)(4)]



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4

II.B. EXECUTIVE DIRECTOR AND LEGAL COUNSEL'S (EDLC) REPORT

1. Staff Work Reports Summary

- Senior Clerk (through April 30, 2019)
- Legal Clerk III (TA)
- Investigator
- Associate Legal Counsel



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5

II.B.1. STAFF WORK REPORTS – HIGHLIGHTS SENIOR CLERK

- Lobbyists – finished processing
- Financial disclosures – finished scanning
- Assisted with meeting admin
- Finished website uploads
- Assisted cabinet training, newsletter
- Finished PAC research



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6

II.B.1. STAFF WORK REPORTS–HIGHLIGHTS LEGAL CLERK III (TA)

- Processing meeting minutes/materials, case intake, UIPA requests, log
- Assisting with office budget, pCard
- Assisting investigations, drafting correspondence
- Managing inventory, front-office, phones
- Assisting with newsletter, cabinet training
- Processing financial disclosure filings



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7

II.B.1. STAFF WORK REPORTS – HIGHLIGHTS INVESTIGATOR

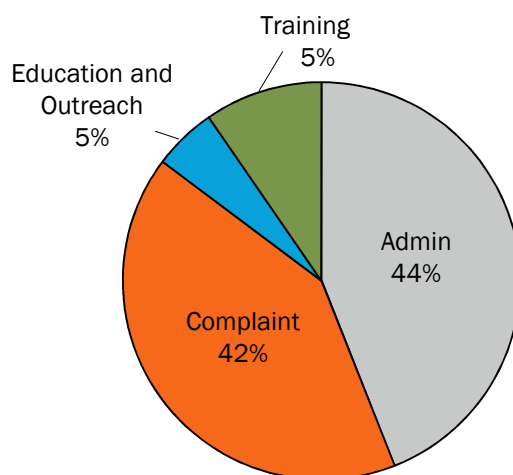
- Managing case load, attending case management meetings
- Assisting with case processing, procedures
- Assisting with Twitter, other outreach
- Assisting with cabinet, mayor's key staff training
- Attended basic mediation training



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8

II.B.1. STAFF WORK REPORTS SUMMARY INVESTIGATOR



9

II.B.1. STAFF WORK REPORTS - HIGHLIGHTS ASSOCIATE LEGAL COUNSEL

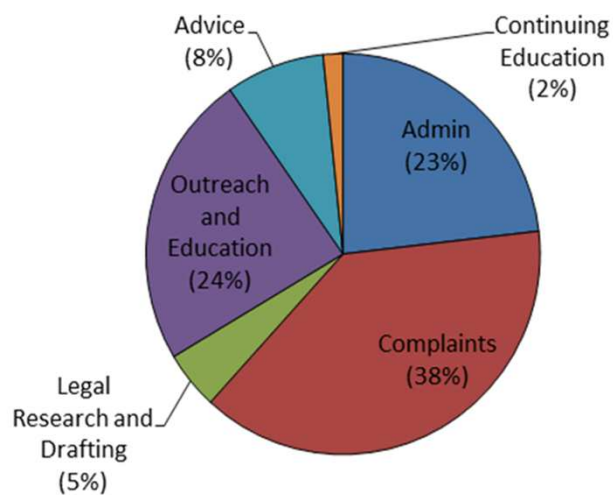
- Training/outreach – developing new biennium curriculum, newsletter, Twitter content, other
- Leading case management meetings; creating case SOPs, templates, Advisory Opinion compendium, index/database
- Investigating, prosecuting cases, training INV, LC III
- Drafting financial disclosures legislation; conducting multi-jurisdictional research for EC law, other revisions
- Handling requests for legal advice



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10

II.B.1. STAFF WORK REPORTS SUMMARY ASSOCIATE LEGAL COUNSEL



11

II.B.2 STATISTICS

a. Website Sessions

- April 2019 – 485
- May 2019 – 502



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12

II.B.2.d. CASES – AGING REPORT

Report will be provided at the meeting.



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13

II.B.2.e. REQUESTS FOR ADVICE

- Response turn-around – 1-2 days
- Compiling FY19 year-end statistics (fiscal year ends June 30, 2019)



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14

II.B.2.f. TRAINEES

- 2-year biennium (FY19–FY20)
 - Year 1 (FY19) – specialized training upon request (in person)
 - Year 2 (FY20) – all-city officer, employee, board and commission member (online)
- Compiling FY19 year-end statistics (fiscal year ends June 30, 2019)



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15

II.B.3 BUDGET

b. FY2020 Operating Budget Request (Salaries, position funding, travel/training)

- June 5, 2019 – Bill 10 (2019) Third Reading, City Council
- June 7, 2019 – Transmitted to Mayor (deadline – June 24, 2019)



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16

II.B.4. EDUCATION AND OUTREACH

a. Ethics Training Program (FY19–FY20)

- Cabinet, mayor's key staff (done)
- HFD, HPD captains
- Biennial online curriculum pending review
- Working w/ City IT Dept. to host board, commission member training on non-domain (private) user interface



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17

II.B.4 EDUCATION AND OUTREACH (cont'd)

b. Twitter

- E-Newsletter posted

c. E-Newsletter (May 2019)



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18

II.B.5 LEGISLATION

- a. Financial disclosures (clarify reporting year)
- b. Lobbyists (delete notary requirement)



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19

II.B.6 EDUCATION OPPORTUNITIES

- a. Society of Corporate Compliance and Ethics (SCCE) 18th Annual Compliance & Ethics Institute 2019 (September 15-18, 2019), Gaylord National, National Harbor, MD
- b. Council on Governmental Ethics Laws (COGEL) 41st Annual Conference (December 15-18, 2019), Chicago Marriott Downtown, Chicago, ILL



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20

II.B.6 EDUCATION OPPORTUNITIES

c. COGEL Newsletter – *The Guardian* (June 2019)

Hawai`i Ethics Conference (confirming date/place)

- Thursday, Sept. 5, 2019
- Kapālama Hale, Conf. Rm. 277
- ~34 attending (State, Honolulu, Maui, Hawai‘i, Kaua‘i pending)



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21

III. EXECUTIVE SESSION

A. For Discussion:

EDLC Annual Evaluation



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22

III. EXECUTIVE SESSION

B. For Discussion:

Kealoha vs. Totto



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23

IV. STRATEGIC PLANNING

A. PIG Meeting (June 12, 2019)

- PIG meeting report (Chair Marks, Cmmrs. Amano and Adler, ALC, EDLC)
- Amending strategic plan document to distribute for EC review and comment
- Compiling FY2019 accomplishments
- August 21, 2019 EC meeting – approve and adopt amended plan



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24

V. ADJOURNMENT

Meeting Date (reserved): July 17, 2019

Meeting Date (scheduled): August 21, 2019

Website: www.honolulu.gov/ethics Email: ethics@honolulu.gov



Twitter: @HonEthicsComm



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25

**Agenda Item II.B.6.c.,
Page 2
[COGEL – The Guardian]**

Inside This Issue

Page 3: A note from the publications committee

Page 4: Ontario ethics update

Page 6: Virtue ethics

Page 8: Campaign finance public polling

Page 10: A look at political corruption

Page 12: New Mexico update

Page 13: North Dakota update

Page 15: COGEL Award nominations

COGEL

916-329-1890

director@cogel.org

Web: cogel.org

Twitter: [@COGELinfo](https://twitter.com/COGELinfo)

1800 J Street

Sacramento, CA 95811

Wrapping Up a COGEL Conference Celebration!

The streets of Philadelphia were buzzing with excitement in December as the COGEL Conference celebrated its 40th anniversary! With nearly 450 attendees (and soft pretzels for all!), the 2018 Conference proved an impressive tour de force of the COGEL disciplines. As a bonus, attendees even got to enjoy a few groovy throwbacks paying homage to COGEL's inception in 1978!

Over the four days, exceptional breakout sessions and compelling plenary speakers showcased the conference's inspirational theme of "Giving Voice to Our Values." The dynamic conversations begun within these sessions flowed far beyond the breakout rooms, fostering ongoing discussions regarding using our voices to further the goals of honest

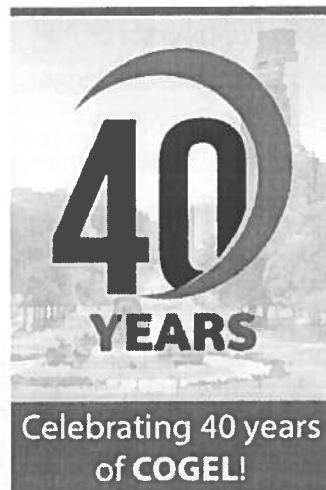
government.

The much-anticipated line-up of plenary speakers each brought their unique voice to critical issues facing

the COGEL disciplines today. Opening with a bang, former White House Counsel to President Nixon, John Dean, kicked off the conference with an insider's look at the U.S. Watergate scandal. Dean recounted his experiences and candidly shared his recollections of pivotal

events that led to significant ethics reforms and the creation of many COGEL agencies. Dean's riveting account served as a timely reminder of our value in protecting the integrity of governmental and political

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CONTINUED: COGEL Conference

processes.

The conference also welcomed Kimberly Reed, filmmaker of the highly-acclaimed documentary *Dark Money* which examines the fallout from *Citizens United* in her home state of Montana. COGEL attendees munched on popcorn as they watched this provoking political thriller (and Oscar nominee!). Would you like to continue the *Dark Money* conversation? We have options for you!

- Host a free screening of *DARK MONEY* by accessing the film via [PBS' POV Community Library](#)
- Purchase a [consumer DVD](#) for your home or for your office
- Purchase an [institutional DVD](#) which includes the rights to screen the film for groups. Kim Reed has provided coupons for 20 percent off the purchase price, which we have attached. All revenue goes to PBS.
- Rent or purchase *DARK MONEY* via [iTunes](#) Stream it via [Amazon Prime](#)



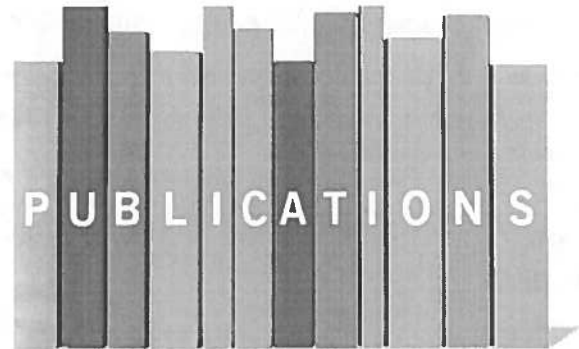
The energy and inspiration of the 2018 COGEL Conference continued into yet another powerful plenary as leaders from the #MeToo movement shared their experiences addressing pervasive sexual harassment and a culture of misogyny in legislative bodies and executive agencies. *TIME* 2017 Person of the Year Adama Iwu, the Honorable Faith Winter, the Honorable Laura Friedman, and Amber Hicks, Executive Director of Philadelphia's LGBT Affairs Office discussed the challenges, successes, and ongoing efforts – many personally spearheaded by these plenary speakers – to make workplaces safe and welcoming for all employees.

With everything that COGEL 2018 brought to the table, it will be hard to top this celebratory conference! But don't worry — the 2019 Program Committee is already in full gear planning another amazing conference!

Get ready to hit Chi-town! Chicago is a bold and iconic city that will offer COGEL attendees a flurry of fun things to do. Go view-hopping in the city's famed skyscrapers, take a selfie by "The Bean," dive into some deep-dish pizza, or check out the famed music scene. Whatever your preference, let the Windy City blow you away this December at COGEL 2019! Mark your calendars for December 15 – 18, pack your parka, and see you there!



A Note from Your COGEL Publications Committee



Welcome to the inaugural 2019 edition of the Guardian, Vol 40, no.

1. In this issue, we feature organizational and legislative updates from Ontario, New Mexico, and North Dakota, a summary of a recent conference in New York, another segment in our continuing relationship with Public Integrity (a piece on Virtue Ethics from Professor Richard Jacobs of Villanova University in Philadelphia), and a summary of our December 2018 annual conference in that same city.

As always, we want to hear from you: please send us organizational news, summaries and/or links to interesting opinions, enforcement actions, or personnel changes or promotions from your agency and jurisdiction – or ethics jokes that made you laugh -- really anything your COGEL colleagues might want to know.

We want the Guardian to serve as your forum, and a starting-off point for continuing discussion that can be continued in these pages, and in our upcoming Chicago conference.

Speaking of which, your COGEL Program Committee, headed by Co-Chairs Susan Willeke and Jenny Skelton, has been hard at work to bring you a terrific conference in the Windy City, December 15-18, 2019.

Steve Berlin, City of Chicago Board of Ethics, steve.berlin@cityofchicago.org

Jabu Sengova, Atlanta Board of Ethics, jsengova@AtlantaGa.Gov

Mike Kelly, Nielsen Merksamer Parrinello Gross & Leoni LLP MKelly@nmgovlaw.com

Jason Tait, Massachusetts Office of Campaign and Political Finance, jason.tait@state.ma.us

Update from Ontario: One-stop Shopping for Ethics

By Michelle Renaud, Senior Advisor, Policy and Outreach, Office of the Integrity Commissioner of Ontario

On May 1, 2019, the province of Ontario merged its two main offices dealing with government ethics. The Office of the Integrity Commissioner (OIC) has taken on the responsibilities of the Office of the Conflict of Interest Commissioner.

The merger creates an interesting model for government ethics – one office where elected officials, public servants and lobbyists can seek advice and direction on how the province's ethical rules apply in various situations.

In Ontario, the OIC has been responsible for the conflict of interest rules for elected officials (members of provincial parliament) since its creation in 1988. Over the years, it has acquired additional responsibilities including overseeing lobbyist registration, providing ethical advice for political staff and receiving disclosures of wrongdoing from public servants under the province's whistleblowing legislation.

Established in 2007, the Office of the Conflict of Interest Commissioner provided conflict of interest advice and direction to a broad range of non-elected public servants. It also played a leadership role in contributing to public servants' understanding of the ethical rules and how to apply them.



J. David Wake

The OIC collaborated with the Office of the Conflict of Interest Commissioner on many issues over the years, including joint training for senior officials of public bodies and providing input to government officials on updating ethical rules.

Both Integrity Commissioner J. David Wake and Conflict of Interest Commissioner Sidney Linden welcome the merger.

"There is great synergy among both our responsibilities," said Commissioner Wake. "The merger will allow us to build on our strengths, make maximum use of resources, and focus on build-

ing the OIC as a centre of excellence in public sector ethics."

Commissioner Wake also congratulated Commissioner Linden, Ontario's first-and-only Conflict of Interest Commissioner on his retirement. The Integrity Commissioner remains an independent officer of the Legislative Assembly. Staff at the Office of the Conflict of Interest Commissioner have joined the OIC.

The new responsibilities of the OIC include:

- handling requests for advice or determinations from deputy ministers, chairs of public bodies, and other designated individuals on matters related to the Conflict of Interest Rules and the political activ-

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ity restrictions in the *Public Service of Ontario Act, 2006*;

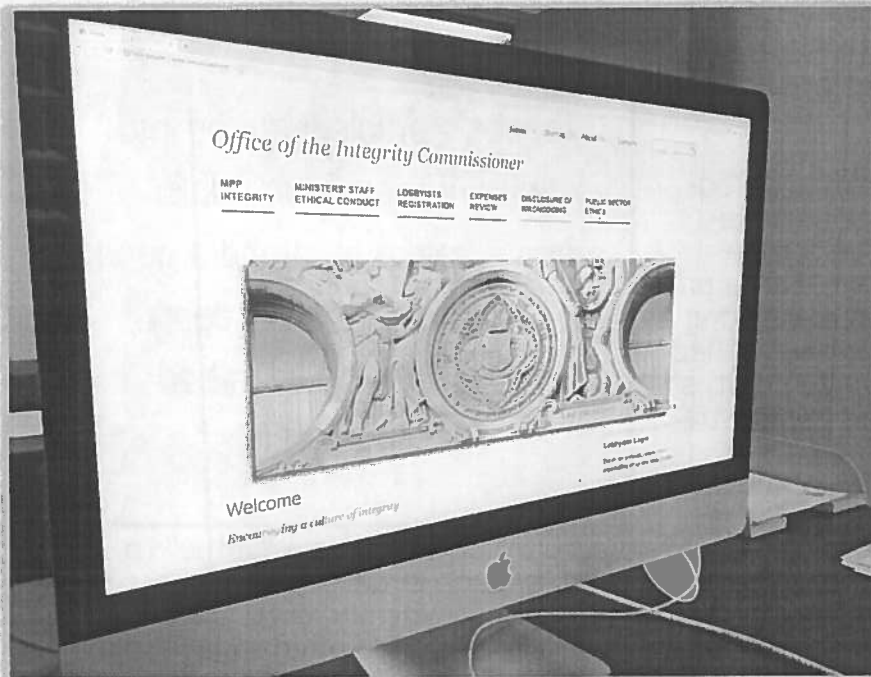
- receiving financial declarations from public servants working on matters that involve the private sector;
- considering requests from part-time appointees of public bodies who wish to participate in political activities other than those expressly permitted in the Act; and,
- approving the conflict of interest rules of public bodies and the ethics plans of administrative tribunals.

The OIC now has seven mandates under five pieces of legislation:

- Members' Integrity, providing confidential conflict of interest advice to MPPs;
- Ministers' Staff Ethical Conduct, providing conflict of interest advice to public servants in ministers' offices;
- Lobbyists registration, operating Ontario's lobbyist registry and investigating potential non-compliance;
- Disclosure of wrongdoing, receiving whistleblowing disclosures from current and former members of the Ontario Public Service;
- Reviewing the travel, meal and hospitality expenses of Cabinet Ministers, parliamentary assistants, Opposition leaders and their staff;
- Reviewing the travel, meal and hospitality expenses of selected agencies; and,

- Public Sector Ethics, providing conflict of interest advice and direction to a broad range of public servants.

The Office of the Integrity Commissioner will continue the work to explain, provide advice on, and encourage compliance with the existing ethical rules and legislation in all mandates in order to strengthen trust and confidence in the work of the Ontario government.



[Click here for the Office of the Integrity Commissioner website.](#)

VIRTUE ETHICS, INTENTION & RESPONSIBILITY

Richard M. Jacobs, O.S.A., Ph.D.

Professor of Public Administration, Villanova University

Even when motivated by the best of intentions, the outcomes of good actions sometimes can be quite bad with decision makers offering the excuse "I didn't mean to do that" or, more substantively for administrators, "I didn't intend that." For unhappy stakeholders, those excuses don't suffice.

These excuses raise the question: "What does it mean *to intend* an outcome?"

The focus of "Developing Ethical Competence: Some Considerations Regarding Virtue, Deliberation, Intention, and Guilt" (Jacobs, 2019) concerns situations where public administrators intend a good act—they act virtuously—yet bad outcomes result. Confronting ethical dilemmas, they deliberated about what virtue required and acted commensurate with its dictates. But, with ethical dilemmas pitting two goods against each other and where selecting one excludes the other, there's no "win-win" outcome.

The twentieth-century virtue ethicist, G.E.M. Anscombe (2000), offered a method for identifying how intentions can be known with certainty and responsibility can be assigned. Rather than asking "For what is a person responsible?", Anscombe asked "Is a person justly condemned when the outcomes of one's voluntary actions are bad?" For her, the answer is "Yes!"

The problem doesn't involve holding an administrator responsible for the bad consequences of one's bad actions, Anscombe notes, because those actions reveal an a priori faulty process of deliberation evidencing itself in a deficiency of character exemplified in those bad outcomes (1958, p. 12). But, she wonders, is this what makes this administrator unjust and bad?

To answer this question, Anscombe argues that administrators must: first, render a positive account of justice as a "virtue" (p. 29) so they positively account for what virtue is; second, engage in deliberation to ascertain what virtue requires in specific situations with their idiosyncratic circumstances; and, third, identify the act for which responsibility will be assigned after engaging in it.

Jacobs's article inquires into what it means for public administrators to intend a good action and then accept responsibility when bad outcomes result.

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VIRTUE ETHICS, INTENTION & RESPONSIBILITY

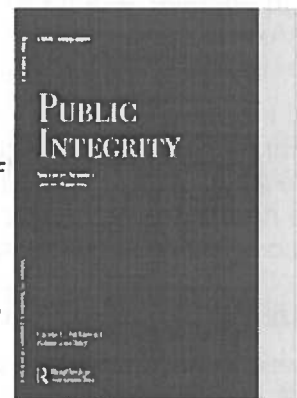


Richard Jacobs

Once intentions are known with certainty and in the situation in which the outcomes are bad, it is not unusual that public administrators might feel guilty for having not selected the other good option. However, they shouldn't feel guilty—defined here as “unjustified self-disapproval,” a feeling representing an ethically malign character revealing that one's sense of self-efficacy is defined by extrinsic sources. Instead, public administrators should experience guilt—defined here as “justified self-disapproval,” a judgment that one wasn't sufficiently responsive to what virtue required if they were to venture beyond the boundaries of what obligation, duty, and rights prescribed and into the territory of what character requires. Then, accepting personal and professional responsibility for those bad outcomes, public administrators experience guilt and, being responsive to it, hone ethical competence (Cooper & Menzel, 2013).

This is how an intentional act evidences a cause, motive, and reason revealing how intellect, power of will, freedom, and intention coalesce in a person's character, demonstrating the wealth of virtue or vice present in it as expressed in voluntarily willed acts. Insofar as Anscombe is concerned, it is for this reason that judgments concerning intention can and must be made; responsibility can and must be assigned; and, to the degree possible and as justice dictates, the damage done can and must be repaired or rectified.

This “reflective practice” approach—which begins with the intention of being virtuous, deliberating about how to do that, engaging in good actions, and then evaluating outcomes (Sergiovanni, 1986)—hones greater ethical competence. Doing so, these public administrators can serve as role models who assist the members of their organizations to hone ethical competence with the goal of collaborating together in building more ethical public service organizations by judging their intentions.



References

- Anscombe, G. E. M. (1958). Modern moral philosophy. *Philosophy*, 33(124), 1-19.
- Anscombe, G. E. M. (2000). *Intention*. Cambridge, MA: Harvard University Press.
- Cooper, T. L., & Menzel, D. C. (2013). *Achieving ethical competence for public service leadership*. New York: Routledge.
- Jacobs, R. M. (2019). Developing ethical competence: Some considerations regarding virtue, deliberation, intention, and guilt. *Public Integrity*, 20(Sup 1), S5-S17. Retrieved online: <https://www.tandfonline.com/doi/full/10.1080/10999922.2017.1405703>
- Sergiovanni T. J. (1986). Understanding reflective practice. *Journal of Curriculum and Supervision*, 1(4): 353-359.

Very few Americans are satisfied with campaign finance laws, but most don't know a lot about them

By Grace Sparks, CNN

As major presidential hopefuls release their fundraising numbers from the first quarter this week, recent polling finds just 1 in 5 Americans say they are satisfied with the nation's campaign finance laws.

The January Gallup poll found that exactly 20% of Americans were OK with how the US handles campaign finance. That's tied with its poll in 2016 for the lowest who have said so since it started tracking in 2001. Democrats tended to be less satisfied than Republicans -- 26% of Republicans said campaign finances laws are OK and 15% of Democrats agreed.

Presidential finance numbers are considered one of the many primary markers of success early on in the race, along with polling. Candidates and presidential hopefuls like Sen. Bernie Sanders of Vermont and South Bend, Indiana, Mayor Pete Buttigieg have met or surpassed expectations with their first fundraising totals.

But there's a lot more to judging how well a candidate's campaign is doing than just overall fundraising totals. The average size of the donation is important, but so is the median donation. It's also significant to look at who is contributing to a presidential hopeful's progress -- are they special interest organizations? Or individual citizens? Do super PACs support them?

These convoluted ways of ginning up money to run for office have led many Americans to be frustrated with the state of the country's campaign finance laws.

But the way to solve that dissatisfaction is unclear, especially since a lot of people in the US aren't too knowledgeable about the guidelines.

In a late 2015 survey conducted by AP-NORC, 53% of Americans said they know only a little or nothing at all about the rules governing the financing of campaigns and only 13% said they know a great deal or quite a bit.

According to that poll, the most popular potential way to reduce the impact of money in politics was instituting requirements that all groups spending money to support candidates disclose their contributors and how much money they gave. Three in five Americans supported that potential solution.

There was an also an overwhelming percentage of Americans who want groups that can spend unlimited money in campaigns to disclose their donors.

The polls show that, when it comes to campaign finance, Americans ... want to know where the money is coming from and how it's being used.

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Continued: Americans and campaign finance

A little more than three-quarters of Americans said all groups that raise and spend unlimited money to support candidates should be required to publicly disclose their contributors. Slightly less than a quarter said it's OK for those types of groups to keep their donors private.

Other popular solutions tested in the poll for reducing the influence of money in politics were limits on how much an outside group can spend on a candidate's campaign (54% said that would be extremely/very effective); limits on how much a political party can spend on a candidate's campaign (52%); and limits on how much a candidate can spend on his or her campaign, regardless of the source of the money (51%).

While a late 2015 survey definitely isn't recent, there hasn't been much polling on the topic since then. But this poll is especially helpful because respondents were replying at a time when fundraising wasn't as prominent an issue as it has been early in the 2020 presidential race.

Americans' concern about how money will influence their politicians is spotted all over AP-NORC's 2015 poll.

Eighty-two percent nationally said campaign contributions from corporations, special interest groups and individuals directly influence the decisions that most elected officials make.

Under half (44%) said money from political action committees -- organizations that are used to pool campaign contributions and to campaign for or against candidates -- was an acceptable way to finance presidential campaigns. Americans found that using PACs was one of the less acceptable legal methods of financing campaigns cited in the poll.

The least acceptable method was public financing from the federal government, a totally legal use of taxpayer dollars. Slightly more than a quarter thought that was an acceptable way of financing a campaign.

The polls show that, when it comes to campaign finance, Americans are all about transparency. They want to know where the money is coming from and how it's being used.

And that could play a big role in the upcoming race, as evidenced by a CNN/Des Moines Register/Mediacom poll in March. In that poll, 7 in 10 Democrats and Democratic-leaning independents in Iowa said they would be very or mostly dissatisfied if the eventual Democratic nominee held fundraisers with wealthy individuals or corporate lobbyists.

The Gallup poll was done January 2-10, 2019. The poll surveyed 1,017 adults, using live callers, and the margin of error is 4 percentage points.

The AP-NORC poll was done November 12-17, 2015. The poll surveyed 1,011 adults, using their AmeriSpeak online panel, and the margin of error is 3.9 percentage points.

The [CNN/Des Moines Register/Mediacom poll](#) was done March 3-6, 2019. The poll surveyed 401 likely Iowa Democratic caucusgoers, using live callers, and the margin of error is 4.9 percentage points.

COGEL offers its thanks, on behalf of the membership, to [State and Federal Communications](#) for the many services it has provided to COGEL. Included among those is "[News You Can Use](#)," a valuable compilation of ethics and campaign finance news, which is made available to all COGEL members on the COGEL website.



Ethics experts explore causes, solutions to political corruption

By Rachel Silberstein, May 1, 2019

ALBANY — Is the seemingly endless stream of arrests rocking the Capitol in recent years evidence that Albany has gotten more corrupt, or are prosecutors, watchdogs and journalists just better at exposing ethical misbehavior?

The Times Union teamed up with the Museum of Political Corruption on Wednesday to explore this question and others during a day-long symposium on New York's corruption problem, which has toppled countless public officials and seems to permeate all levels of state government.

Panelists touched on the types of corruption, the duties of public officers, what constitutes independent oversight, the influence of money in politics, state contracting, and New York's notoriously opaque budget process.

Former Assemblyman Daniel Feldman, now a professor at John Jay College of Criminal Justice in Manhattan, explained how politicians inevitably — for better or worse — become more tolerant of differences through their experience in the legislature.

The personal relationships they form through the legislative process may open the heart of a bigot, but it may also compel a well-meaning public servant to consider joining ethically questionable alliances, he said.

"Over time, as a legislator, you come to think of what you are not able to do, and you think, I need more power to do those things ... ambition is a good thing and drives many desirable results, but it also can lead you in the wrong direction," he said.

Richard Briffault, chair of New York City Conflicts of Interest Board, said the law is specific about what constitutes a conflict of interest, but many political maneuvers fall into a legal gray area.

"A lot of Conflict of Interest Law is to ensure that people don't use public resources for their own benefit (or the benefit of their family). But what if you use public resources to benefit your own party? You need to work with the party, not only to get yourself elected, but to get an agenda passed," Briffault said.

Elected officials may bend their positions to gain an endorsement, perhaps, or compromise their ethics for what they perceive to be in the interest of their constituents, he said.

Briffault said the modern campaign finance structure paves an avenue of legal corruption.

Campaign finance "does skew priorities unless we have a public funding system," he said. "If we want to have a democracy, where people run for office and they are not all billionaires, we need public financing."



New York capitol building

Continued on the Next Page

Continued: Ethics experts explore causes

New York City has a decades-old public matching system, which experts say is imperfect, but overall has spurred electoral competition and empowered insurgent campaigns.

The state's 2019-20 spending plan, passed April 1, includes a limited blueprint for the creation of a statewide public financing system, the details of which will be determined by a yet-to-be-appointed panel. The public matching system would not go into effect until 2022 and there are many ways the panel's recommendations could fall short or be blocked by the Legislature.

In January, the Legislature also closed the state's infamous LLC loophole, which has enabled special interests to pour virtually unlimited funds into a single candidate's campaign.

Keynote speakers Berit Berger and Jennifer Rodgers, current and former directors of Columbia Law School's Center for the Advancement of Public Integrity, respectively, evaluated the state's ethics climate and noted the recent trend of public officials attacking the media when their ethical lapses are exposed.

Steven Pasichow, inspector general for the Port Authority of New York and New Jersey, bantered with two compliance experts, Kroll managing director Richard T. Faughnan and Guidepost Solutions' Joseph Jaffe, to shed light on the contracting processes of public entities.

Kroll and Guidepost Solutions co-sponsored the event.

Wall Street Journal reporter Jimmy Vielkind, formerly of the Times Union, moderated a discussion with Citizen Budget Commission director of state studies David Friedfel and Mary Beth Labate, president of the Commission on Independent Colleges and Universities, on the state's budget process.

Labate, who worked as Gov. Mario Cuomo's budget director and later, as deputy budget director for Gov. Andrew M. Cuomo, offered an insiders perspective on the current system, while Friedfel provided the view of a budget watchdog.

The state's \$175 billion spending plan has historically has been hashed out by "three men in a room," or the governor, the Senate majority leader and Assembly speaker.

Labate highlighted the rank-and-file budget staff for negotiating and drafting the thousands of pages of legislation. She also explained the purpose of member items, sometimes derisively called "pork," which are discretionary funds lawmakers may steer back to their districts.

"They go home to their district and they have fairly modest requests that their constituents come to them with ... think of the member saying to the constituents, 'yeah the budget is \$175 billion dollars but I don't have all money for this community-based program,'" Labate said.



Several panelists noted that the internet, social media and the publication of civic data online has gone a long way toward increasing transparency in state government, enabling journalists and members of the public to track the flow of money or identify discrepancies.

"We do know a lot more of who is giving to who. Peeling the onion all the way back to see who is the original donor is more difficult," Briffault said.

<https://www.timesunion.com/news/article/Ethics-symposium-explores-causes-solutions-to-13810174.php>

UPDATE: New Mexico ethics commission takes shape with 2 appointments

AP ASSOCIATED PRESS

SANTA FE, N.M. — New Mexico's fledgling State Ethics Commission is taking shape with the appointment of two commissioners.

Democratic House Speaker Brian Egolf announced Monday his appointment of former deputy state attorney general Stuart Bluestone of Santa Fe to serve on the new seven-seat commission.

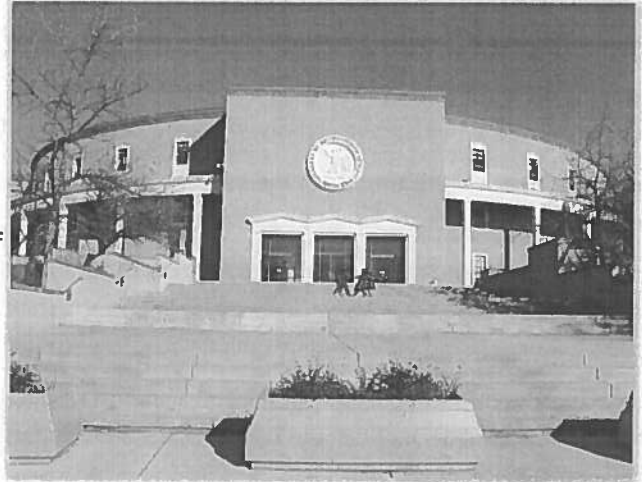
The commission will oversee the conduct of public officials, political candidates, lobbyists and government contractors.

Frances Williams also was appointed with an eye toward her past experience as an equal opportunity manager at White Sands Missile Range. Her appointment came from Democratic Senate President Mary Kay Papen of Las Cruces.

Voters approved the creation of the ethics commission by statewide ballot last year amid a string of political corruption scandals.

Further appointments are pending from Republican legislative leaders and Democratic Gov. Michelle Lujan Grisham.

<https://www.abqjournal.com/1308973/new-mexico-ethics-commission-takes-shape-with-2-appointments.html>



New Mexico state capitol building

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North Dakota Legislature finalizing ethics bill, but 'safeguard' looms over Measure 1 implementation

John Hageman
Forum News Service Apr 25, 2019

Critics of the North Dakota Legislature's efforts to implement the state's new voter-approved ethics rules will still have avenues to challenge lawmakers' actions even after a final bill moves across the finish line.

The new constitutional language allows any "resident taxpayer" to file a lawsuit if the implementation fails "to fully vindicate" their rights under the article's financial transparency requirements. Sen. David Hogue R-Minot, an attorney who helped lead efforts to address the passage of Measure 1 this session, said people typically only have legal standing to challenge laws if they've been harmed by them.

"This turns that on its head and says everybody has standing," he said Wednesday.

Greg Stites, an attorney hired by Measure 1 supporters to lobby lawmakers, said the "resident taxpayer's express right to bring suit is very powerful and is, or almost is, unprecedented in ND law."

Whether anyone will use that tool remains unclear.

Democrats and Measure 1 supporters have criticized a finalized implementation bill, which was sponsored by Republican majority leaders in both chambers. Stites said it's unconstitutional and waters down what voters approved last year.

But Ellen Chaffee, the vice president of North Dakotans for Public Integrity, the group that backed Measure 1, said they haven't discussed bringing a lawsuit. She described the language allowing taxpayers to enforce their rights through the courts as citizens' "safeguard" to ensure the constitution is implemented and enforced correctly.

"The people of North Dakota expect Article 14 to be implemented properly," she said. "And one way or another, I am completely confident that any concerns that the Legislature leaves in the public's mind will be addressed." North Dakota lawmakers sent House Bill 1521 to Gov. Doug Burgum Thursday largely along party lines, with Republicans supporting the legislation, ending months of debate over enacting the new requirements. The state constitution now bans lobbyist gifts to public officials, requires the disclosure of the "ultimate and true source of funds" spent to influence elections and state government action and creates a new ethics commission that could investigate malfeasance.



North Dakota state capitol building

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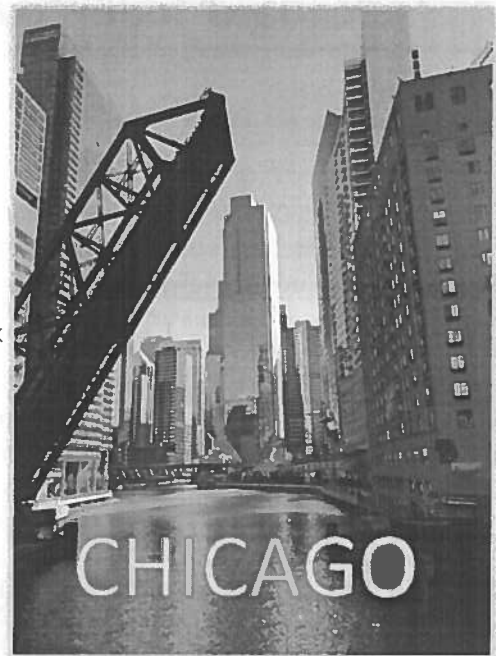
CHICAGO 2019 COGEL

Where you'll be

A trendy destination in a dynamic urban setting, Chicago Marriott Downtown Magnificent Mile serves as the host hotel for the 2019 COGEL Conference. Located in the heart of Chicago's famed Magnificent Mile, the conference site provides stunning views of the city, the Magnificent Mile, and Lake Michigan.

The Chicago Marriott Downtown is located at 540 North Michigan Avenue. The room rate is the prevailing government per diem rate (currently \$141.00 U.S. — Note: rate may change prior to Conference) through Friday, November 22, 2019 or until room block is full. Reserve your room by calling **1-877-303-0104** or visit [this website](#).

Once you have settled in, just outside the front door of the hotel, you can visit little-known shops, high-end boutiques and celebrated attractions, including Navy Pier, Soldier Field, United Center, Millennium Park and Wrigley Field. At the end of each session day, indulge in unmatched culinary delights at the dozens of restaurants within walking distance of the Marriott.



Continued: North Dakota

The constitution's citizen safeguard only applies to the financial disclosure requirements, however.

Stites said the implementation bill falls short by narrowing the definition of lobbyist and leaving holes in reporting requirements. During a floor debate Thursday, House Minority Leader Josh Boschee, D-Fargo, warned that it would "stifle" anonymous complaints by allowing a whistleblower's name to be disclosed to the person they're accusing. Republicans said that was meant to ensure due process was followed.

Hogue defended the bill as a "responsible and reasonable implementation" that went through a rigorous legislative debate and more than 40 iterations. He also noted that lawmakers plan to study the constitution's new requirements during the interim period between legislative sessions with input from the yet-to-be appointed members of the ethics commission.

Geoff Simon, a lobbyist who led the opposition campaign against Measure 1, welcomed the implementation bill. He said language limiting disclosure mandates to money donated "solely" to influence elections, which Measure 1 supporters consider a reporting loophole, helps ensure its constitutionality.

"I honestly think the (ethics) committees have done an admirable job of trying to comply with the intent of the article," Simon said. But he added that there's "still a lot of questions out there."

"It's a work in progress," Sen. Dick Dever, R-Bismarck, said.

https://bismarcktribune.com/news/local/govt-and-politics/north-dakota-legislature-finalizing-ethics-bill-but-safeguard-looms-over/article_2d5f30b4-528d-56bb-a515-3c428893906d.html

Call for COGEL Award Nominations

Who deserves an award?

The COGEL Outstanding Service Award recognizes an unsung hero who has gone above and beyond the call of duty for COGEL.

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In recent years, the Outstanding Service Award has recognized: **Colleen Murphy** of the Connecticut Freedom of Information Commission; **Amy Loprest** of the New York City Campaign Finance Board; and **Nedda Massar** of the City of Philadelphia Board of Ethics. The COGEL Award has honored: **Wesley Bizzell** of Altria Client Services LLC; the Campaign Legal Center; and **Ann Ravel**, former Chair of the Federal Election Commission.

Nominate someone!

Please take the time to nominate a colleague, employee, or organization who deserves to be celebrated! If you nominated someone in the past who was not selected, feel free to submit a new nomination so that the person or entity may be considered again!

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The nominations will close on August 31 and the winners will be announced at COGEL's 41th Annual Conference in Chicago.

